

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

GLENN A. HESS,

Plaintiff,

:

Case No. 3:08-cv-031

-vs-

District Judge Walter Herbert Rice  
Chief Magistrate Judge Michael R. Merz

:

CITY OF HUBER HEIGHTS, et al.,

Defendants.

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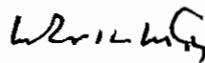
**ORDER ADOPTING REPORT AND RECOMMENDATIONS ON MOTION TO  
DISMISS MIAMI COUNTY, INDIANA, SHERIFF'S DEPARTMENT AND OFFICER  
MIKE RODGERS**

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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 39), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on June 23, 2008, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that all claims herein against Defendant Miami County, Indiana, Sheriff's Department be dismissed without prejudice for failure to state a claim upon which relief can be granted and all claims against Defendant Officer Mike Rodgers be dismissed without prejudice for lack of personal jurisdiction.

June 25, 2008.



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Walter Herbert Rice  
United States District Judge